

Ginarte O'Dwyer González Gallardo & Winograd LLP.

JOSEPH A. GINARTE+
JOHN D. O'DWYER
RICHARD M. WINOGRAD 10
MANUEL GONZALEZ
MICHAEL A. GALLARDO 0
BARRY D. WEIN
ELLEN RADIN 2
ALON SOLON 0
WALTER J. CURTIS
MARK MAURER 0
ADAM J. KLEINFELDT 0 2
LEWIS ROSENBERG 0 2
ANTONIO L. CRUZ 2
CHRISTOPHER PEREZ 0
CHAREN KIM +
THAILARY LIM +
STUART L. KITCHNER +
MATTHEW S. SCHOEN 0
REX ZACHOFSKY + 2
MOISES APSAN 0 2
JESUS J. PEÑA 2

ATTORNEYS AT LAW
GINARTE PROFESSIONAL BUILDING
400 MARKET STREET
NEWARK, NJ 07105

Direct Dial
(973) 854-8443
FAX: (973) 643-1857

WWW.GINARTE.COM

March 28, 2011

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1 CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY
2 OF COUNSEL
+ ADMITTED TO NY
0 ADMITTED TO NJ & NY
* ADMITTED TO NJ, NY & DC
0 ADMITTED TO NY & MA

ROGER GUARDA
CLAIMS MGR.

Via ECF

The Honorable Michael A. Shipp, U.S.M.J.
The United States District Court for the District of NJ
Martin Luther King, Jr. Federal Building &
United States Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Reyes v. Keith Machinery Corp., et al.*
Civil Action No.: 2:09-CV-5309
Our File No.: 233266

Dear Judge Shipp:

We represent the plaintiff, Ramon Reyes in the above entitled matter and respectfully request a very brief extension of deadlines recently set by the court on February 23, 2011, for extraordinary reasons.

The court has now received the submission of the proposed confidentiality order by Keith Machinery and this relates to the need for the extension requested by plaintiff to produce his affirmative expert report by today, March 28, 2011. I have been in touch with our expert and he is simply unable to provide a final expert report without having access to the material now being disclosed pursuant to the confidentiality order.

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As the court is aware from previous requests for an adjournment, after the deposition of defendant, Keith Machinery, plaintiff served a request to produce pertaining to documents referred to in that deposition. That request was served on February 25, 2011 and the due date for the response was March 25, 2011. We had been monitoring the response with our expert so that he could have an opportunity to review any material produced and provide his report by March 28, 2011.

However, it now appears that this material will not be produced until such time as the court signs the confidentiality order.

Both of my adversaries have agreed to a brief extension for the service of affirmative expert reports providing that there is a commensurate extension of all other deadlines.

Assuming that the court could sign the order this week and the documents produced by no later than Friday, we would ask that there be a one week extension from the date when the disclosure is made.

As stated, all parties join in this request for the brief extension which would mean that the affirmative expert report date is extended until April 4, 2011; the rebuttal expert report until May 3, 2011; expert depositions until June 3, 2011; summary judgment motions by April 15, 2011; opposition to such motions by April 25, 2011; and reply papers by May 2, 2011.

Thank you for the court's kind consideration of this request.


Respectfully submitted,


Richard M. Winograd, Esq.

RMW/ecc

cc: Abigail Bowen, Esq. (Via ECF and Facsimile 212-952-1110)
J. Michael Kunsch, Esq. (Via ECF and Facsimile 215-557-0999)
Elizabeth Norton, Esq. (Via ECF & Facsimile 614-464-1737)

So Ordered this 29th day
of March, 2011


Michael A. Shipp
United States Magistrate Judge